HON'BLE SMT JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P LAKSHMANA REDDY

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Writ Appeal No. 805 OF 2005

Dated: 18-11-2005

Between:

1. The Director/Cpommissioner of College Education,
   Government of Andhra Pradesh, Hyderabad
2. The Government of Andhra Pradesh, Rep. by its
   Principal Secretary, Education Department, Secretariat,
   Hyderabad.

Appellants/Respondents/

Petitioners in WAMP No.2740/05

And

1. P. Devadattam, s/o. late Jeeva Ratnam ,66 years, Retired Lecturer, R/o. Guntur.
2. VSR & NVR College, Tenali, Guntur District, Rep. by its Secretary & Correspondent.

(R.2 is not a necessary party)

..Respondents/Petitioners/

Respondents in WAMP No.2740/05

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P LAKSHMANA REDDY

Writ Appeal No. 805 of 2005

(For being mentioned)

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JUDGMENT: (per the Hon'ble Smt. Justice T. Meena Kumari)

1. The respondents in the writ petition, being aggrieved by the order dt. 26-3-2002 passed by a learned single Judge of this court in W.P.No.11309 of 1998, filed the present appeal.

2. This Court on 5-7-2005 dismissed the above writ appeal. Subsequently, on the application in WAMP No. 2740 of 2005 filed by the appellants, this Court gave direction to the Registry to post the above writ appeal itself under the caption "for being mentioned" for the purpose of clarification as it was brought to the notice of the Court by the learned G.P for Higher Education that the writ petitioner was died even prior to the passing of orders in the writ petition. Under the above circumstances, this matter is directed to be posted under the caption "for being mentioned"

3. Learned Government Pleader for Higher Education appearing on behalf of the appellants in the writ appeal submits that the contesting 1st respondent in the appeal, who happened to be the writ petitioner, was dead even during the pendeny of the writ petition and that as no legal representatives of the writ petitioner were brought on record, the order in the writ petition gets abated. Learned G.P also submits that even till to-day no application is filed by the legal representatives of the 1st respondent-writ petitioner to come on record and hence prays to allow the writ appeal and set aside the order of the learned Single Judge as abated by modifying the judgment dt.5.7.2005 in the above appeal.

4. Heard. Under the above circumstances, our judgment dt. 05.07.2005 in this appeal is withdrawn and we allow the writ appeal and set aside the order dated 10.12.2004 in W.P. No. 11309 of 1998 as abated.

5. The writ appeal is allowed accordingly. No order as to costs.

T. MEENA KUMARI, J

P. LAKSHMANA REDDY, J

Dt. 18.11.2005

Kvrk

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P LAKSHMANA REDDY

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Writ Appeal No. 805 OF 2005

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(Per the Hon’ble Smt Justice T Meena Kumari)

18th November 2005